

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARCIA WILLIAMS and KAREN WUNZ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 18-cv-370-RAL
	)	
NATIONAL LABOR RELATIONS BOARD,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

---

**NATIONAL LABOR RELATIONS BOARD’S OPPOSITION  
TO PLAINTIFFS’ SECOND MOTION FOR EXTENSION OF TIME  
TO FILE BRIEF IN OPPOSITION**

The National Labor Relations Board (“Board”) respectfully submits this opposition to Plaintiffs Marcia Williams and Karen Wunz’s (“Williams and Wunz”) motion for a second extension of time to file their brief in opposition to the Board’s motion to dismiss for lack of jurisdiction based on mootness. In support of this opposition, the Board asserts the following:

1. Williams and Wunz’s sole complaint is that the settlement bar as applied to Williams’s decertification petition violated the National Labor Relations Act, Administrative Procedure Act, and separation of powers and nondelegation doctrines, and deprived them of due process. Doc. 1, ¶¶ 28-65.
2. On April 6, 2019, that settlement bar expired, rendering this case moot. See Doc. 23-1. That Williams filed a new decertification petition with the Board’s Region 6 on April 23, 2019, [Doc. 29 ¶ 1], does not revive the expired settlement bar that was at the center of Williams and Wunz’s complaint; in fact, it emphasizes the mootness of their complaint as it currently stands. Consequently, this case does not “depend” on how the Region processes this new petition.

3. Nevertheless, the Board has already begun to process Williams's decertification petition, and Williams and Wunz have not provided any evidence of any circumstance—such as a settlement bar, contract bar, or pending unfair labor practice charge against the employer—that might necessitate dismissal or deferral of Williams's decertification petition.

Accordingly, the Board respectfully requests that Williams and Wunz's second motion for an extension of time to file their reply be denied.

Respectfully submitted,

WILLIAM G. MASCIOLI  
*Assistant General Counsel*

DAWN L. GOLDSTEIN  
*Deputy Assistant General Counsel*

HELENE D. LERNER  
*Supervisory Trial Attorney*

s/Portia Gant  
PORTIA GANT  
*Trial Attorney*  
[Portia.Gant@nlrb.gov](mailto:Portia.Gant@nlrb.gov)  
(202) 273-1921

National Labor Relations Board  
Contempt, Compliance,  
and Special Litigation Branch  
1015 Half Street, S.E., Fourth Floor  
Washington, DC 20003  
Fax: (202) 273-4244

Dated: April 25, 2019  
Washington, DC

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed today, April 25, 2019, using the Court's CM/ECF filing system, thereby providing service to counsel for Plaintiffs.

s/ Portia Gant  
PORTIA GANT  
*Trial Attorney*  
National Labor Relations Board  
Contempt, Compliance,  
and Special Litigation Branch  
1015 Half Street, S.E., Fourth Floor  
Washington, DC 20003  
(202) 273-1921  
Fax: (202) 273-4244  
[Portia.Gant@nrlb.gov](mailto:Portia.Gant@nrlb.gov)  
MD Bar – No Number Issued

Dated: April 25, 2019  
Washington, DC